

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

WILLIAM SILVERSTEIN,  
Plaintiff,  
v.  
KEYNETICS INC., et al.,  
Defendants.

Case No. [16-cv-00684-DMR](#)

**ORDER RE PLAINTIFF'S MOTION  
FOR PARTIAL SUMMARY  
JUDGMENT WITHOUT PREJUDICE**

Re: Dkt. No. 17

The court has received Plaintiff's motion for partial summary judgment (Docket No. 17), and Defendants Keynetics Inc. and Click Sales Inc.'s administrative motion to continue the briefing and hearing schedule on Plaintiff's motion (Docket No. 28). Plaintiff's motion for partial summary judgment raises two issues: 1) whether federal law preempts California Business & Professions Code section 17529.5 and 2) whether the emails in question violate California Business & Professions Code section 17529.5. The first issue presents a question of law that has already been raised in the pending motions to dismiss (Docket Nos. 6, 13). The second issue appears to raise a factual question which is more appropriate for resolution at a later date. Accordingly, Plaintiff's motion for partial summary judgment is denied without prejudice. The court will discuss with the parties the timing of any summary judgment motions at the initial case management conference. Defendants' administrative motion is denied as moot.

**IT IS SO ORDERED.**

Dated: March 24, 2016

Donna M. Ryu  
United States Magistrate Judge